

SENATE, No. 3178

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

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District 25 (Morris and Somerset)

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SYNOPSIS

Authorizes bonus credits toward fair share affordable housing obligation for housing units occupied by veterans; permits affordable housing obligation satisfaction through veterans' set aside of up to 35 percent of fair share.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/25/2019)

1 AN ACT concerning credit toward fair share housing obligation for
2 certain housing reserved for veterans and amending and
3 supplementing P.L.1985, c.222.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Notwithstanding any limitation on the
9 percentage of a municipality's fair share obligation that may be
10 satisfied through bonus credits, the municipality shall receive one
11 unit of credit and one-half bonus credit for each affordable housing
12 unit that is occupied or reserved for occupancy by a low or
13 moderate income veteran with active service in time of war, as
14 defined in section 1 of P.L.1963, c.171 (C.54:4-8.10).

15
16 2. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to
17 read as follows:

18 11. a. In adopting its housing element, the municipality may
19 provide for its fair share of low and moderate income housing by
20 means of any technique or combination of techniques which provide
21 a realistic opportunity for the provision of the fair share. The
22 housing element shall contain an analysis demonstrating that it will
23 provide such a realistic opportunity, and the municipality shall
24 establish that its land use and other relevant ordinances have been
25 revised to incorporate the provisions for low and moderate income
26 housing. In preparing the housing element, the municipality shall
27 consider the following techniques for providing low and moderate
28 income housing within the municipality, as well as such other
29 techniques as may be published by the council or proposed by the
30 municipality:

31 (1) Rezoning for densities necessary to assure the economic
32 viability of any inclusionary developments, either through
33 mandatory set-asides or density bonuses, as may be necessary to
34 meet all or part of the municipality's fair share in accordance with
35 the regulations of the council and the provision of subsection h. of
36 this section;

37 (2) Determination of the total residential zoning necessary to
38 assure that the municipality's fair share is achieved;

39 (3) Determination of measures that the municipality will take to
40 assure that low and moderate income units remain affordable to low
41 and moderate income households for an appropriate period of not
42 less than six years;

43 (4) A plan for infrastructure expansion and rehabilitation if
44 necessary to assure the achievement of the municipality's fair share
45 of low and moderate income housing;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (5) Donation or use of municipally owned land or land
2 condemned by the municipality for purposes of providing low and
3 moderate income housing;

4 (6) Tax abatements for purposes of providing low and moderate
5 income housing;

6 (7) Utilization of funds obtained from any State or federal
7 subsidy toward the construction of low and moderate income
8 housing;

9 (8) Utilization of municipally generated funds toward the
10 construction of low and moderate income housing; and

11 (9) The purchase of privately owned real property used for
12 residential purposes at the value of all liens secured by the property;
13 excluding any tax liens, notwithstanding that the total amount of
14 debt secured by liens exceeds the appraised value of the property,
15 pursuant to regulations promulgated by the Commissioner of
16 Community Affairs pursuant to subsection b. of section 41 of
17 P.L.2000, c.126 (C.52:27D-311.2).

18 b. The municipality may provide for a phasing schedule for the
19 achievement of its fair share of low and moderate income housing.

20 c. (Deleted by amendment, P.L.2008, c.46)

21 d. Nothing in P.L.1985, c.222 (C.52:27D-301 et al.) shall
22 require a municipality to raise or expend municipal revenues in
23 order to provide low and moderate income housing.

24 e. When a municipality's housing element includes the
25 provision of rental housing units in a community residence for the
26 developmentally disabled, as defined in section 2 of P.L.1977,
27 c.448 (C.30:11B-2), which will be affordable to persons of low and
28 moderate income, and for which adequate measures to retain such
29 affordability pursuant to paragraph (3) of subsection a. of this
30 section are included in the housing element, those housing units
31 shall be fully credited as permitted under the rules of the council
32 towards the fulfillment of the municipality's fair share of low and
33 moderate income housing.

34 f. It having been determined by the Legislature that the
35 provision of housing under P.L.1985, c.222 (C.52:27D-301 et al.) is
36 a public purpose, a municipality or municipalities may utilize public
37 monies to make donations, grants or loans of public funds for the
38 rehabilitation of deficient housing units and the provision of new or
39 substantially rehabilitated housing for low and moderate persons,
40 providing that any private advantage is incidental.

41 g. A municipality which has received substantive certification
42 from the council, and which has actually effected the construction
43 of the affordable housing units it is obligated to provide, may
44 amend its affordable housing element or zoning ordinances without
45 the approval of the council.

46 h. Whenever affordable housing units are proposed to be
47 provided through an inclusionary development, a municipality shall
48 provide, through its zoning powers, incentives to the developer,

1 which shall include increased densities and reduced costs, in
2 accordance with the regulations of the council and this subsection.

3 i. The council, upon the application of a municipality and a
4 developer, may approve reduced affordable housing set-asides or
5 increased densities to ensure the economic feasibility of an
6 inclusionary development.

7 j. A municipality may enter into an agreement with a
8 developer or residential development owner to provide a preference
9 for affordable housing to low to moderate income veterans who
10 served in time of war or other emergency, as defined in section 1 of
11 P.L.1963, c.171 (C.54:4-8.10), of up to 50 percent of the affordable
12 units in that particular project. This preference shall be established
13 in the applicant selection process for available affordable units so
14 that applicants who are veterans who served in time of war or other
15 emergency, as referenced in this subsection, and who apply within
16 90 days of the initial marketing period shall receive preference for
17 the rental of the agreed-upon percentage of affordable units. After
18 the first 90 days of the initial 120-day marketing period, if any of
19 those units subject to the preference remain available, then
20 applicants from the general public shall be considered for
21 occupancy. Following the initial 120-day marketing period,
22 previously qualified applicants and future qualified applicants who
23 are veterans who served in time of war or other emergency, as
24 referenced in this subsection, shall be placed on a special waiting
25 list as well as the general waiting list. The veterans on the special
26 waiting list shall be given preference for affordable units, as the
27 units become available, whenever the percentage of preference-
28 occupied units falls below the agreed upon percentage. Any
29 agreement to provide affordable housing preferences for veterans
30 pursuant to this subsection shall not affect a municipality's ability to
31 receive credit for the unit from the council, or its successor.

32 k. A municipality may prepare and file a housing element that
33 provides that up to 35 percent of all new affordable housing shall be
34 set aside for low or moderate veterans with active service in time of
35 war as defined in section 1 of P.L.1963, c.171 (C.54:4-8.10).

36 (cf: P.L.2013, c.6, s.1)

37
38 3. This act shall take effect immediately.
39
40

41 STATEMENT

42
43 This bill would allow municipalities to obtain bonus credit
44 toward the fulfillment of their fair share affordable housing
45 obligations for housing reserved for certain veterans. This bill
46 would allow a municipality to receive one unit of credit and one-
47 half bonus credit toward a municipality's fair share obligation for
48 each unit of housing occupied, or reserved for occupancy, by a

1 veteran of low or moderate income who had active service in time
2 of war, as defined in current law. The bill would allow these bonus
3 credits to apply regardless of any limitation on the percentage of a
4 municipality's fair share obligation that may be satisfied through
5 bonus credits.

6 This legislation also permits a municipality to submit a housing
7 element to the council that sets aside up to 35 percent of all new
8 affordable housing for low and moderate income veterans who had
9 active service in time of war, as defined by current law.